

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

TERRY E. CALLINS,

Petitioner,

Criminal Case Number 04-20009

Civil Case Number 14-14781

v.

Honorable David M. Lawson

UNITED STATES OF AMERICA,

Respondent.

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**ORDER DENYING MOTION FOR A CERTIFICATE OF APPEALABILITY**

On April 7, 2015, the Court entered an opinion and order denying the petitioner's motion to vacate his sentence. The Court entered judgment on the same date and denied the petitioner a certificate of appealability. On April 27, 2015, the petitioner filed a notice of appeal and, on May 26, 2015, a motion for a certificate of appealability, which the Court will construe as a motion for reconsideration of the Court's order denying a certificate of appealability.

Motions for reconsideration may be granted pursuant to E.D. Mich. LR 7.1(h)(1) when the moving party shows (1) a "palpable defect," (2) that misled the court and the parties, and (3) that correcting the defect will result in a different disposition of the case. E.D. Mich. LR 7.1(h)(3). A "palpable defect" is a defect which is obvious, clear, unmistakable, manifest, or plain. *Mich. Dep't of Treasury v. Michalec*, 181 F. Supp. 2d 731, 734 (E.D. Mich. 2002) (citations omitted). "Generally . . . the court will not grant motions for rehearing or reconsideration that merely present the same issues ruled upon by the court." E.D. Mich. LR 7.1(h)(3).

The petitioner asks the Court to grant a certificate of appealability as to the claims in his motion to vacate his sentence. However, the petitioner has failed to show any palpable defect in the Court's April 7, 2015 order denying the petitioner a certificate of appealability or any error of fact

or law by which the Court and parties were misled. The Court therefore will deny the petitioner's motion for reconsideration of the Court's order denying a certificate of appealability.

Accordingly, it is **ORDERED** that the petitioner's motion for a certificate of appealability [dkt. #48] is **DENIED**.

s/David M. Lawson  
DAVID M. LAWSON  
United States District Judge

Dated: May 29, 2015

**PROOF OF SERVICE**

The undersigned certifies that a copy of the foregoing order was served upon each attorney or party of record herein by electronic means or first class U.S. mail on May 29, 2015.

s/Susan Pinkowski  
SUSAN PINKOWSKI